IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 2236 of 2007

Date of Decision : 09.03.2007

Nagwant Singh ... Petitioner

Versus

State of Punjab and others. .. Respondents

CORAM : HON'BLE MR. JUSTICE J.S. KHEHAR,
HON'BLE MR. JUSTICE S.D. ANAND.

Present : Ms. Promila Nain, Advocate,
for the petitioner.

Mr. Ashok Aggarwal, Additional Advocate General, Punjab,
for the respondents.

J.S. Khehar, J. (Oral)

Learned counsel for the petitioner states, that the petitioner was transferred from Amritsar to Jalandhar citing general elections to the Legislative Assembly as the cause for the said transfer. In order to substantiate that the aforesaid cause was not really the basis of the petitioner's transfer, learned counsel for the petitioner states, that after the petitioner was transferred, he was required to discharge election duties at Amritsar.

In order to repudiate the aforesaid contention of the learned counsel for the petitioner, learned counsel for the respondents states, that the petitioner was, as a matter of mistake, assigned election duties at Amritsar. However, on realising the said mistake, he was not permitted to be involved in election duty at Amritsar during the elections to the Legislative Assembly. In view of the above, we are satisfied that the justification rendered by the respondents does not entitle the petitioner to repudiate the

order of his transfer from Amritsar to Jalandhar.

The second contention of the learned counsel for the petitioner is, that the petitioner is to retire on 31.03.2007 and according to the transfer policy issued by the State Government, he ought not to have been transferred just a month and a half before his retirement by the impugned order dated 01.02.2007 (Annexure P/2).

It is not possible for us to accept the instant contention as well. According to the instructions issued by the Election Commission of India, the petitioner could not have been posted at Amritsar and therefore, he was rightfully transferred from Amritsar to Jalandhar. At the present juncture, it would be an exercise in futility to post the petitioner back at Amritsar on account of the fact that just about 20 days remain in his attaining the age of retirement.

For the reasons recorded above, we are satisfied that no interference is called for with the impugned order dated 01.02.2007 (Annexure P/2).

Dismissed.

(J.S. Khehar)
Judge

March 09, 2007
vkd

(S.D. Anand)
Judge